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Pennsylvania American Water Company and Utility Workers Union of America, System Local No. 537, AFL-CIO. Cases 06-CA-037197, 06-CA-037198, 06-CA-037202, 06-CA-037241, and 06-CA-037243

February 20, 2015

DECISION AND ORDER

BY CHAIRMAN PEARCE AND MEMBERS HIROZAWA
AND MCFERRAN

On June 28, 2013, the Board issued a Decision and Order in this proceeding, which is reported at 359 NLRB No. 142. At the time of the Decision and Order, the composition of the Board included two persons whose appointments to the Board had been challenged as constitutionally infirm. On July 25, 2013, the Respondent filed a motion for reconsideration challenging the validity of the Board's recess appointees. On June 26, 2014, the United States Supreme Court issued its decision in *NLRB v. Noel Canning*, 134 S.Ct. 2550 (2014), holding that the challenged appointments to the Board were not valid. Thereafter, the Board issued an order setting aside the Decision and Order, and retained this case on its docket for further action as appropriate.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

In view of the decision of the Supreme Court in *NLRB v. Noel Canning*, supra, and the Respondent's motion for reconsideration, we have considered de novo the judge's decision and the record in light of the exceptions and briefs.¹ We have also considered the now-vacated Decision and Order, and we agree with the rationale set forth therein. Accordingly, we affirm the judge's rulings, findings, and conclusions and adopt the judge's recommended Order to the extent and for the reasons stated in

¹ The Respondent has requested oral argument. The request is denied as the record, exceptions, and briefs adequately present the issues and the positions of the parties.

the Decision and Order reported at 359 NLRB No. 142, which is incorporated herein by reference.²

Dated, Washington, D.C. February 20, 2015

Mark Gaston Pearce, Chairman

Kent Y. Hirozawa, Member

Lauren McFerran, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES

POSTED BY ORDER OF THE

NATIONAL LABOR RELATIONS BOARD

An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives to bargain with us on your behalf

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT threaten employees with discipline or adverse consequences for honoring a picket line that is not in violation of a contractual no-strike clause in the labor agreement.

WE WILL NOT remove union communications from the bulletin board in our facilities on which union communications are typically posted.

² We shall substitute a new notice to conform with *Durham School Services*, 360 NLRB No. 85 (2014).

WE WILL NOT threaten employees with adverse consequences for posting union communications on bulletin board space in our facilities on which union communications are typically posted.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

WE WILL, upon request of the Union, repost the January 13, 2011 letter from Union President Kevin Booth to Production Supervisor Dan Hufton on all bulletin boards from which we removed the letter.

PENNSYLVANIA AMERICAN WATER COMPANY

The Board's decision can be found at www.nlr.gov/case/06-CA-037197 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570, or by calling (202) 273-1940.

